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Attorney for Defendant

Austreberto Santamaria-Valencia

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUSTREBERTO SANTAMARIA-VALENCIA ,

Defendant.

Case No.: 2:21-CR-0079-TLN

STIPULATION AND ORDER TO EXCLUDE  
TIME

Date: December 2, 2021

Time: 9:30 a.m.

Hon. Troy L. Nunley

**STIPULATION**

1. By previous order, this matter was set for status on December 2, 2021.

2. By this stipulation, defendant. now moves to continue the status conference until January 27, 2022, at 9:30 a.m., and to exclude time between December 2, 2021, and January 27, 2022, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a.) The government has produced the discovery associated with this case including, among other things, investigative reports, photographs, and video recordings.

b.) Counsel for defendant desires additional time to consult with his client, to review

1 the current charges, to conduct an investigation and research related to the charges, to review  
2 discovery for this matter, to discuss potential resolutions with his client, and to prepare pretrial  
3 motions.

4 c.) Defense counsel believes that failure to grant the above-requested continuance  
5 would deny counsel the reasonable time necessary for effective preparation, taking into account  
6 the exercise of due diligence.

7 d.) The government does not object to the continuance.

8 e.) Based on the above-stated findings, the ends of justice served by continuing the  
9 case as requested outweigh the interest of the public and the defendant in a trial within the  
10 original date prescribed by the Speedy Trial Act.

11 f.) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
12 et seq., within which trial must commence, the time period of December 2, 2021 to January 27,  
13 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Rule  
14 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
15 of the Court's findings that the ends of justice served by taking such action outweigh the best  
16 interest of the public and the defendant in a speedy trial.

17 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
19 must commence.

20 IT IS SO STIPULATED.

21 Date: November 29, 2021

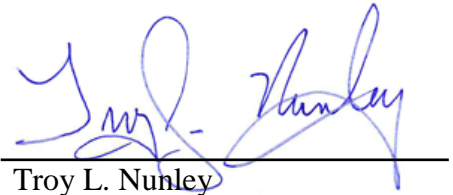
22 /s/ Matthew C. Smith  
23 MATTHEW C. SMITH  
24 Attorney for Defendant  
25 Austreberto Santamaria-Valencia

26 Date: November 29, 2021

27 /s/ James R. Conolly  
28 James R. Conolly  
Assistant United States Attorney

**FINDINGS AND ORDER**

IT IS SO FOUND AND ORDERED this 30<sup>th</sup> day of November, 2021.



Troy L. Nunley  
United States District Judge